

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	MB Docket No. 14-82
)	
PATRICK SULLIVAN)	FRN 0003749041, 0006119796,
(Assignor))	0006149843, 0017196064
)	
and)	Facility ID No. 146162
)	
LAKE BROADCASTING, INC.)	File No. BALFT-20120523ABY
(Assignee))	
)	
Application for Consent to Assignment of)	
License of FM Translator Station W238CE,)	
Montgomery, Alabama)	

To: Marlene H. Dortch, Secretary
Attn: Chief Administrative Law Judge Richard L. Sippel

SUPPLEMENTAL STATUS REPORT

1. In *Order*, FCC 16M-37, the Presiding Judge directed the Enforcement Bureau (Bureau) to file a status report, *inter alia*, within five business days of the Bureau learning of any significant development regarding the Bureau's proposed witness, Tammy Gremminger.¹ Pursuant to this *Order*, on February 3, 2017, the Bureau filed a Status Report in which it informed the parties and the Presiding Judge that it had received a list of the cases in which Ms. Gremminger has testified in the last four years concerning the risk sex offenders pose to the community and a list of the certifications and training she has completed related to the rehabilitation of sex offenders and the performance of

¹ See *Order*, FCC 16M-37 (ALJ, rel. Dec. 22, 2016).

risk assessment concerning sex offenders and/or their risk of recidivism.² The Bureau also reported that Ms. Gremminger had been cleared by her office to participate in the FCC hearing as provided for in the Bureau's subpoena.³ On February 7, 2017, Lake Broadcasting, Inc. (Lake) filed an opposition to the Bureau's Status Report, asserting that the Status Report did not provide sufficient information.⁴ The Bureau now respectfully submits a Supplemental Status Report to address Lake's concerns.

2. In its Status Report, the Bureau noted that it had prepared and served a subpoena on the Missouri Department of Corrections (DOC) to obtain records in the custody of Ms. Gremminger pertaining to Mr. Rice and to obtain authorization for Ms. Gremminger to testify at the hearing. The Bureau also served a subpoena on the DOC to obtain a legible copy of Mr. Rice's MOSOP report. Although Sections 1.336 and Section 1.338 of the Commission's rules do not require the Bureau to have served a copy of these subpoenas on Lake,⁵ a copy of the Bureau's subpoenas are attached hereto.⁶

3. With regard to the subpoena served on Ms. Gremminger, after the Bureau filed its Status Report, Ms. Gremminger provided further information about the list of cases and certifications required by the subpoena.⁷ In particular, Ms. Gremminger clarified the information concerning the list of cases in which she had testified, and the dates on which she underwent training. A copy of her communications with the Bureau are attached hereto.⁸ With regard to the subpoena served on the DOC, the Bureau is still working with

² See Enforcement Bureau's Status Report, filed on Feb. 3, 2017 (Status Report).

³ See *id.* at 2.

⁴ See Lake Broadcasting, Inc.'s Opposition to Enforcement Bureau's Status Report, filed Feb. 7, 2017.

⁵ See 47 C.F.R. §§ 1.336 and 1.338.

⁶ See Attachment A.

⁷ See Attachment B.

⁸ See *id.*

them to receive a legible copy of Mr. Rice's MOSOP report. The Bureau has not received any further information in response to its subpoenas.

4. In addition, Lake's Opposition also suggests that the Presiding Judge should conduct a separate pre-hearing conference to explore the Bureau's concerns that Mr. Rice may have intimidated Ms. Gremminger and "the abandonment of those accusations by the Bureau and the Missouri Department of Corrections."⁹ Now that Mr. Rice has filed the declaration ordered by the Presiding Judge,¹⁰ the Bureau is satisfied that neither Mr. Rice – nor anyone at his direction – was involved in any possible intimidation of Ms. Gremminger. The Bureau's additional investigation into this matter has not led to any additional information suggesting Mr. Rice's involvement in this incident. Accordingly, the Bureau sees no reason to divert the parties' and the Presiding Judge's attention away from preparing for hearing to address what is now a non-issue.

⁹ See, e.g., Opposition at 2-3.

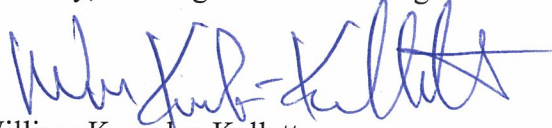
¹⁰ See Order, FCC 16M-37, at 2.

Respectfully submitted,

Michael Carowitz
Acting Chief, Enforcement Bureau

A handwritten signature in blue ink, appearing to read "W. Oshinsky for".

Gary Oshinsky
Attorney, Investigations & Hearings Division

A handwritten signature in blue ink, appearing to read "W. Knowles-Kellett".

William Knowles-Kellett
Attorney, Investigations & Hearings Division

Federal Communications Commission
Enforcement Bureau
Investigations & Hearings Division
445 12th Street, S.W., Room 4-C330
Washington, DC 20554
(202) 418-1420

February 15, 2017

Attachment A

SUBPOENA

ORIGINAL – To be executed by the person who effects service and returned to the Secretary of the Commission

UNITED STATES OF AMERICA FEDERAL COMMUNICATIONS COMMISSION

In the Matter of
Patrick Sullivan (assignor) and
Lake Broadcasting, Inc. (assignee)

)
) Docket No. MB Docket 14-82
)
)

TO: Tammy Gremminger, Parole Officer, Missouri Department of Corrections, GREETINGS:

Pursuant to Sections 1, 403 and 409 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 403, and 409:

☒ **YOU ARE HEREBY ORDERED** under penalty of law to APPEAR before the Federal Communications Commission at the place, date, and time specified below to TESTIFY in the above-captioned hearing:

Place of Testimony: Federal Communications Commission 445 12th Street SW Washington DC 20554	Date and Time: To be determined by Court order
---	--

☐ **YOU ARE HEREBY ORDERED** under penalty of law to APPEAR at the place, date, and time specified below to TESTIFY at the taking of a DEPOSITION in the above-captioned hearing:

Place of Deposition:	Date and Time:
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☒ **YOU ARE HEREBY ORDERED** under penalty of law to PRODUCE the documents and/or objects identified in Attachment A hereto at the place, date, and time specified below:

Place of Production: By First Class mail or overnight delivery to: 445 12th Street, S.W., Room 4-C330 Washington DC 20554	Date and Time: On or before January 27, 2017
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BY ORDER OF THE FEDERAL COMMUNICATIONS COMMISSION, this 10th day of

January, 2017.

Chief Administrative Law Judge
(Official Title)
Richard L. Fyfe

NOTICE - Witness fees and mileage for attendance under this subpoena for services hereof are to be paid by the party at whose instance the witness is subpoenaed, and every copy of this summons for the witness must contain a copy of this notice.

Service of this subpoena may be made by any citizen of the United States over the age of 18 years who is not a party to or in any way interested in the proceeding.

PROOF OF SERVICE

Date of Service: _____	Place of Service: _____ _____ _____ _____
Served On (Print Name): _____	Manner of Service: _____ _____ _____ _____
Served By (Print Name): _____	Title: _____

Declaration of Server

I declare under penalty of perjury under the laws of the United States that I am a citizen of the United States, over the age of 18 years, not a party to or in any way interested in the proceeding for which this subpoena was issued, and all of the information in this Proof of Service is true and correct.

Executed on: _____

Signature of Server

Address of Server

ATTACHMENT A TO SUBPOENA

DEFINITIONS

a. The term "Document" means the complete original (or in lieu thereof, exact copies of the original) and any non-identical copy (whether different from the original because of notations on the copy or otherwise), regardless of origin or location, of any taped, recorded, transcribed, written, typed, printed, filmed, videotaped, punched, computer-stored, or graphic matter of every type and description, however and by whomever prepared, produced, disseminated, or made, including but not limited to any book, pamphlet, periodical, contract, agreement, correspondence, letter, facsimile, e-mail, file, invoice, memorandum, note, telegram, report, record, handwritten note, working paper, routing slip, chart, graph, photograph, paper, index, map, tabulation, manual, guide, outline, script, abstract, history, calendar, diary, agenda, minutes, marketing plan, research paper, preliminary drafts, or versions of all of the above, and computer material (print-outs, cards, magnetic or electronic tapes, disks and such codes or instructions as will transform such computer materials into easily understandable form) in the possession, custody, or control of the Missouri Department of Corrections.

INSTRUCTIONS

a. You are to produce entire documents, including attachments, enclosures, cover letter, memoranda, and appendices.

b. Any document or thing called for under these Requests but not produced on the basis of a claim of privilege should be identified by the name of the preparers, the name of all recipients (including copy recipients), the date of the document, the nature or type of document (*e.g.*, memorandum, letter, etc.), and the general nature of the subject

matter for which a privilege is claimed. All such documents and/or things shall be listed on a privilege log and the log shall be supplied at a time and place to be agreed upon by counsel.

c. In response to each Request, you shall affirm whether responsive documents exist and have been, or shall be, produced.

d. For each document produced, please include a declaration, under penalty of perjury, whether each document provided in response to this subpoena has been maintained in your records in the ordinary course of your business.

DOCUMENT REQUESTS

1. All documents relating to Michael Rice, Inmate No. 510054, from the files located in the Missouri Department of Corrections to which you have access. To the extent that copies of responsive documents are already in the possession of the FCC, this subpoena is satisfied by identifying such documents and verifying with an affidavit that such documents in the FCC's possession are true and correct copies of documents maintained in the ordinary course of business at the Missouri Department of Corrections.
2. A list of all cases in which you have testified and/or given an opinion as an expert within the last four years. To the extent you are able, a list of all cases where you have testified and given an opinion as an expert.
3. A list of all certifications you have received and training you have completed related to the rehabilitation of sex offenders and the performance of risk assessments concerning sex offenders and/or their risk of recidivism.

4. Copies of all certifications received as a result of any training you have completed related to the rehabilitation of sex offenders and the performance of risk assessments concerning sex offenders and/or their risk of recidivism.

DIRECTIONS FOR SUBMITTING RESPONSE

Provide all responsive materials to:

William Knowles-Kellett and Gary Oshinsky
Federal Communications Commission
445 12th Street, N.W. Room 4-C330
Washington, D.C. 20554

SUBPOENA

TRIPLICATE - To be retained for the Commission's files

UNITED STATES OF AMERICA FEDERAL COMMUNICATIONS COMMISSION

In the Matter of
Patrick Sullivan (assignor) and
Lake Broadcasting, Inc. (assignee)

)
) Docket No. MB Docket 14-82
)
)

TO: Missouri Depart of Correction - Mr. Steve Pfister, GREETINGS:

Pursuant to Sections 1, 403 and 409 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 403, and 409:

☐ **YOU ARE HEREBY ORDERED** under penalty of law to APPEAR before the Federal Communications Commission at the place, date, and time specified below to TESTIFY in the above-captioned hearing:

Place of Testimony:	Date and Time:

☐ **YOU ARE HEREBY ORDERED** under penalty of law to APPEAR at the place, date, and time specified below to TESTIFY at the taking of a DEPOSITION in the above-captioned hearing:

Place of Deposition:	Date and Time:

☒ **YOU ARE HEREBY ORDERED** under penalty of law to PRODUCE the documents and/or objects identified in Attachment A hereto at the place, date, and time specified below:

Place of Production: By First Class mail or overnight delivery to: 445 12th Street, S.W., Room 4-C330 Washington DC 20554	Date and Time: On or before January 27, 2017
--	--

BY ORDER OF THE FEDERAL COMMUNICATIONS COMMISSION, this 10th day of

January, 2017.

Chief Administrative Law Judge
(Official Title)
Richard L. Sjogard

NOTICE - Witness fees and mileage for attendance under this subpoena for services hereof are to be paid by the party at whose instance the witness is subpoenaed, and every copy of this summons for the witness must contain a copy of this notice.

Service of this subpoena may be made by any citizen of the United States over the age of 18 years who is not a party to or in any way interested in the proceeding.

PROOF OF SERVICE

Date of Service: _____	Place of Service: _____ _____ _____ _____
Served On (Print Name): _____	Manner of Service: _____ _____ _____ _____
Served By (Print Name): _____	Title: _____

Declaration of Server

I declare under penalty of perjury under the laws of the United States that I am a citizen of the United States, over the age of 18 years, not a party to or in any way interested in the proceeding for which this subpoena was issued, and all of the information in this Proof of Service is true and correct.

Executed on: _____

Signature of Server

Address of Server

ATTACHMENT A TO SUBPOENA

Pursuant to Section 1.338 of the Commission's rules, 47 C.F.R. § 1.338, the Enforcement Bureau (Bureau) herein requests that the Missouri Department of Corrections produce the documents, as defined and specified herein, and deliver the documents to the offices of the Investigations and Hearings Division, Enforcement Bureau, Suite 4-C330, 445 12th Street, S.W., Washington, D.C. 20554 (or at some other location that is mutually acceptable to you and the Bureau) within ten (10) days of the date of this Request.

DEFINITIONS

- a. As used herein, the term "you" or "your" or "Missouri DOC" means Missouri Department of Corrections, including all other persons acting or purporting to act on its behalf, including all directors, officers, employees, managers, shareholders, general partners, limited partners, parents, subsidiaries, whether wholly or partially owned, affiliates, divisions, predecessors and successors-in-interest or other affiliated company or business, or agents, including consultants, attorneys, and any other persons working for or on behalf of any of the foregoing during the period January 1, 2000 through the present.
- b. "Act" shall mean the Communications Act of 1934, as amended.
- c. "Commission" or "FCC" shall mean the Federal Communications Commission.
- d. "Rules" means the Commission's regulations found in Title 47 of the Code of Federal Regulations.
- e. The terms/phrases "referring to," "relating to" and/or "concerning," as used herein, shall be interpreted broadly and shall include, but not be limited to, the following meanings: constituting, comprising, evidencing, reflecting, respecting, discussing, referring to, stating, describing, recording, noting, considering, embodying, evaluating, analyzing, mentioning,

containing, concerning, regarding, indicating, pertaining to, showing, bearing upon, studying, memorializing, or commenting upon, or any other term synonymous with or similar to the foregoing.

f. "State" and "describe" mean to set forth a complete and detailed statement of all information, circumstances and facts that refer to, relate to, reflect, comprise or bear upon the matter concerning which information is requested.

g. The terms "identify" and "identification" when used in reference to an individual person mean to state his full name, residence and business telephone numbers, and present residence and business addresses if known, and his present or last known title, position and business affiliation.

h. The terms "identify" and "identification" when used in reference to a person other than a natural person mean to state the full and official name of the business entity, its principal place of business, and the main telephone number of such business entity.

i. The terms "identify" and "identification" when used in reference to a document mean to state its date, type (e.g., memo, telecopy, email), and its authors, addressees, title, if any, and, if no title, a brief description of the subject matter of the document and its present or last known location and custodian. If any document once was, but is no longer, in your possession, custody, or control, state what disposition was made of it and the reason for such disposition.

j. The terms "identify" and "identification" when used in reference to any act, activity, practice, policy, effort, event, transaction, negotiation, discussion, conversation, occasion, occurrence, meeting, representation, agreement or communication, mean to: (a) describe the nature and substance of the act, activity, practice, policy, effort, event, transaction, negotiation, discussion, conversation, occasion, occurrence, meeting, representation, agreement or

communication; (b) state the date when and place where it occurred; and (c) identify each person who was a participant therein.

- k. The term "and" also means "or" and the term "or" also means "and."
- l. The term "each" also means "every" and the term "every" also means "each."
- m. The term "all" also means "any" and the term "any" also means "all."
- n. The term "Document" means the complete original (or in lieu thereof, exact copies of the original) and any non-identical copy (whether different from the original because of notations on the copy or otherwise), regardless of origin or location, of any taped, recorded, transcribed, written, typed, printed, filmed, videotaped, punched, computer-stored, or graphic matter of every type and description, however and by whomever prepared, produced, disseminated, or made, including but not limited to any book, pamphlet, periodical, contract, agreement, correspondence, letter, facsimile, e-mail, file, invoice, memorandum, note, telegram, report, record, handwritten note, working paper, routing slip, chart, graph, photograph, paper, index, map, tabulation, manual, guide, outline, script, abstract, history, calendar, diary, agenda, minutes, marketing plan, research paper, preliminary drafts, or versions of all of the above, and computer material (print-outs, cards, magnetic or electronic tapes, disks and such codes or instructions as will transform such computer materials into easily understandable form) in the possession, custody, or control of the Missouri Department of Corrections.

INSTRUCTIONS

- a. You are to produce entire documents, including attachments, enclosures, cover letter, memoranda, and appendices.
- b. Any document or thing called for under these Requests but not produced on the basis of a claim of privilege should be identified by the name of the preparers, the name of all recipients

(including copy recipients), the date of the document, the nature or type of document (*e.g.*, memorandum, letter, etc.), and the general nature of the subject matter for which a privilege is claimed. All such documents and/or things shall be listed on a privilege log and the log shall be supplied at a time and place to be agreed upon by counsel.

c. In response to each Request, you shall affirm whether responsive documents exist and have been, or shall be, produced.

d. For each document produced, please include a declaration, under penalty of perjury, whether each document provided in response to this subpoena has been maintained in your records in the ordinary course of your business.

DOCUMENT REQUESTED

1. Provide a legible copy of the MOSOP PARTICIPATION AND EXAMINATION REPORT – PHASE II for Michael Rice, dated March 19, 1999, Register No. 510054.
2. An affidavit that any document provided in response to Request No. 1 are true and correct copies of documents maintained in the ordinary course of business at the Missouri Department of Corrections.

DIRECTIONS FOR SUBMITTING RESPONSE

Provide all responsive materials to:

William Knowles-Kellett and Gary Oshinsky
Federal Communications Commission
445 12th Street, N.W. Room 4-C330
Washington, D.C. 20554

Attachment B

From: Gremminger, Tammy [<mailto:Tammy.Gremminger@doc.mo.gov>]
Sent: Friday, February 03, 2017 9:17 AM
To: Gary Oshinsky <Gary.Oshinsky@fcc.gov>
Subject: RE: Documents Requested

Gary,

The cases # is the offenders DOC # as opposed to the docket number. The date are the date the Court hearing took place and I testified. With regards to the training/certification the date is when I attended and received certification.

Tammy

From: Gary Oshinsky [<mailto:Gary.Oshinsky@fcc.gov>]
Sent: Thursday, February 02, 2017 3:37 PM
To: Gremminger, Tammy
Cc: William Knowles-Kellett
Subject: RE: Documents Requested

Tammy,

Thanks so much, this is great. A couple of clarifications, can you tell us how the cases are organized – is the # a docket number or an internal case number? And Is the date the date of the hearing or the date you testified? Also, regarding the certifications, are the dates with the certifications the dates you took the class or received the certification? Thanks again.

Gary

Gary A. Oshinsky
Investigations and Hearings Division
Enforcement Bureau
Federal Communications Commission
445 12th Street, S.W., Room 4-A335
Washington DC 20554
202-418-7167

*** Non-Public: For Internal Use Only ***

From: Gremminger, Tammy [<mailto:Tammy.Gremminger@doc.mo.gov>]
Sent: Thursday, February 02, 2017 9:28 AM
To: Gary Oshinsky <Gary.Oshinsky@fcc.gov>
Subject: Documents Requested

Gary,

The following is a list of cases in the last 4 years in which I have testified and given my professional opinion as to risk the offender's pose to remain in the community (Revocation hearing/Motion to Modify hearing):

Robert Bierer #1282195	03-24-2016
Joshua Stout #1276929	06-02-2016
Daniel Gronek #1220119	07-05-2016
Michael Comporato #1296130	07-11-2016
Taylor Ellis #1253215	08-25-2016
Gary Hickerson #152512	10-17-2016
Brittany Buchanan #1252147	12-12-2016
James Ward #1290119	12-12-2016
Kyle Welch #1246762	02-24-2015
Brian McNutt #1270862	06-01-2015
Ricky Hudgens #5344111	08-04-2015
Robert Clatfelter #1269695	10-22-2015
Terry Calahan #1222347	03-03-2014
Matthew Boxwell #1236237	12-04-2014
Marty Crismon #1007993	12-19-2014
Luke Jenkins #1217197	02-19-2013
Robert Miller #1185467	07-09-2013
James Payne #1231069	01-20-2012
Jason Morrow #1229118	03-01-2012
Michael Carpenter #1229118	06-07-2012
Aaron Andereck #1181144	06-07-2012
Damonne Travis #526767	06-28-2012
Mark Barber #1227672	08-22-2012
Jason Bergeland #1149376	11-16-2012
Mark Myers #1238474	10-17-2012

The following is a list of certifications and training's I have completed related to the rehabilitation of sex offenders and the performance of risk assessment concerning sex offenders and/or their risk of recidivism:

Sex Offender Supervision 11-06-1997
Sex Offender Supervision 11-07-1997
Child Exploitation 04-05-2000
MOCASA End Sexual Violence 04-30-2000
Child Sexual Abuse 05-10-2000
Sex Offender Registration 05-21-2001
Understanding & Assessing & Treatment of Sexual Offenders 09-06-2001
MOCASA Stalking 09-11-2001
Violence, Risk, and Threat Assessment of Sexual Offenders 09-16-2002
Protecting You & Your Kids 02-09-2003
Sexual Predators on the internet 06-19-2003
FBI/Internet Training & Supervision of Sex Offenders in the Community 12-12-2003
SAI (Sex Offender Invention) 02-12-2004
MOSATSA Annual Conference 06-04-2004

Youth Violence Prevention Conference 05-04-2004
Sexual Predation 11-10-2004
Criminal Behavior Research 01-05-2005
Human Trafficking 02-28-2005
GPS (Global Positioning System 03-14-2006
Strength in Unity: Coming Together To Protect Children & Families 04-17-2006
Understanding and Interviewing Sex Offenders 07-21-2006
Stalking 10-25-2006
Internet Crimes Against Children 01-16-2007
Sex Offender Providers & Supervision 04-16-2007
Criminal Behavior Research 10-03-2007
Treating Compulsive Behavior 12-08-2007
Sex Offender Providers & Supervision 04-16-2007
Prevention & Intervention Conference 04-02-2008
Sex Offender Supervision 05-05-2009
Enhancing Response To Sexual Assault Victims 08-04-2009
Sex Offender Management 10-08-2009
Remote Computer Monitoring For Sex Offenders 06-01-2011
Total Access GPS Online Training 11-20-2013
Child Annual Prevention Conference 04-03-2014
Community Sex Offender Treatment Provider 01-23-2015
Desensitized to Death. The Lethality, Assessment & Prosecution of Strangulation 06-23-2015
Domestic Violence 08-06-2015
Strengthening Partnerships- Reducing Sexual Violence and Promoting Community Safety 02-26-2016
Vermont Assessment of Sex Offender Risk 02-25-16
Treating Sex Offenders 01-01-2016

Once again I apologize for the inconvenience this has caused you.

Thank you,

Tammy Gremminger
Probation/Parole Officer II
District 17
St Charles, Missouri
Phone: 636-940-3333 x 244
Fax: 636-940-3352

From: Gremminger, Tammy [<mailto:Tammy.Gremminger@doc.mo.gov>]

Sent: Tuesday, February 07, 2017 2:33 PM

To: Gary Oshinsky <Gary.Oshinsky@fcc.gov>

Subject: Documents

Gary,

I just want to make sure we are on the same page on what I have communicated to you via phone and/or I have provided you. First, that you understand I have no certifications of training to provide to you and second, that you understand that I testify as a witness for the State as the supervising probation officer in probation revocation hearings that stem from violations of supervision. In addition to testifying as a witness for the State as the probation officer in motion to modify probation conditions.

Tammy

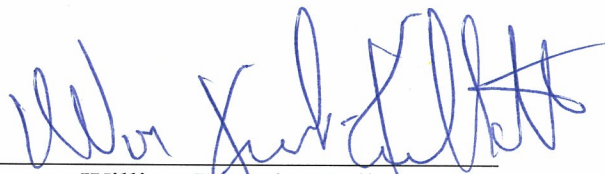
CERTIFICATE OF SERVICE

I, William Knowles-Kellett, an attorney in the Enforcement Bureau's Investigations & Hearings Division, certify that on this 15th day of February, 2017, I caused to be sent via First Class United States Mail and via email copies of the foregoing Supplemental Status Report to:

Jerold L. Jacobs, Esq.
Law Offices of Jerold L. Jacobs
1629 K Street, N.W., Suite 300
Washington, DC 20006
jerold.jacobs.esq@verizon.net
Counsel for Patrick Sullivan and Lake Broadcasting, Inc.

A copy of the foregoing also was served via hand-delivery to:

The Honorable Richard L. Sippel
Chief Administrative Law Judge
Federal Communications Commission
445 12th Street, S.W., Room 1-C861
Washington, DC 20554



William Knowles-Kellett